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Letter from the Acting Secretary of the Interior, to the Chairman of the Committee on Indian Affairs, in relation to persons of African descent resident in the Choctaw and Chickasaw Nations on the 28th day of April, 1866

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LETTER
FROM THE
ACTING SECRETARY OF THE INTERIOR,

TO THE CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS,

IN RELATION TO

*Persons of African descent resident in the Choctaw and Chickasaw Nations
on the 28th day of April, 1866.*

APRIL 8, 1874.—Referred to the Committee on Indian Affairs and ordered to be printed, to accompany bill S. 680.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 4, 1874.

SIR: I have the honor to invite your attention to articles second and third of a treaty made with the Choctaw and Chickasaw Indians, April 28, 1866. (Stats. at L., vol. 14 p. 769.)

The second article of said treaty provides for the abolition of slavery.

The third article of the treaty provides that in consideration of the sum of \$300,000 to be paid to said Choctaw and Chickasaw Indians by the United States, the said Indians agreed to cede to the United States that territory west of the 98th degree of west longitude known as the leased district. Said sum of money to be invested and held by the United States, at an interest of not less than five per cent., in trust for the said nations, until the legislatures of the Choctaw and Chickasaw Nations, respectively, shall have made such laws, rules and regulations as might be necessary to give all persons of African descent resident in said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain, claimed by, or belonging to, said nations respectively. That treaty also provided to give to such persons who were residents as aforesaid, and their descendants, forty acres each, of the land of said nations, on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said lands, after the said Indians and the Kansas Indians had made their selections, as elsewhere provided. Immediately upon the enactment of such laws, rules and regulations, by the legislative councils of the Choctaw and Chickasaw Nations, the said sum of \$300,000 was to be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter; deducting therefrom such sum, at the rate of \$100 *per capita*, as should be sufficient to pay such persons of African descent, before referred to, who within ninety days after the passage of such laws, rules and regulations, should elect to remove, and actually remove from said nations respectively.

Said article third furthermore provides that should such laws, rules, and regulations not be made by the legislatures of said nations respectively within two years from the ratification of said treaty, then the said sum of \$300,000 shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said territory, in such manner as the United States shall deem proper. The United States agreed in said article, within ninety days of the expiration of the said two years after the enactment of said laws, to remove from the said nations all such persons of African descent as might be willing to remove.

Almost eight years have passed since the ratification of the treaty above referred to, and the legislatures of the Choctaw and Chickasaw Nations have not enacted any laws, rules, and regulations in behalf of the persons of African descent above referred to.

The ancestors of these negroes came to the Indian Territory with the Choctaw and Chickasaw Nations from the State of Mississippi, and have been with them continuously since that time in the capacity of slaves. They were freed by the treaty of 1866, and have been since then enjoying the privileges of freedom. They are reported to be industrious, sober, and frugal people; desirous to learn, anxious to secure to themselves homes in severalty, and, above all, anxious to remain in the country where they now live, and which is the only country they have ever known, and, so far as the Department has been able to ascertain, none of them will ever leave that country voluntarily. They have formed strong attachments to the soil; they have acquired, as far as the peculiar laws and regulations governing the Indian nations will permit, homesteads, and have cultivated farms. A strong prejudice seems to exist against these freedmen on the part of the Choctaws and Chickasaws, which will account, in some measure, for the failure of these nations to provide by law for the division among them of the lands of the nation.

The Creek, Seminole, and Cherokee Nations have each adopted the freedmen into their tribes and given them equal rights and privileges with other citizens of the nation. The Choctaws and Chickasaws, I understand, have refused to do so. The condition of these negroes strongly appeals to the United States Government for some action that will fix their status and give them all that they are entitled to by the terms of the treaty above quoted.

I have the honor to submit herewith the draught of a bill which, in my judgment, will secure to these freedmen all the rights and privileges to which they are entitled under the treaty. The bill also gives them the right of suffrage and an equal share in the annuities, moneys, and public domain claimed by, or belonging to, said nations respectively. While this may not be exactly in accordance with the letter of the treaty, I am satisfied that it is simply a matter of justice to this class of persons, who have always been residents of said nations, and who are now industrious, law-abiding, and useful citizens thereof.

I respectfully invite the attention of Congress to this subject, and trust that it may receive favorable consideration.

Very respectfully, your obedient servant,

B. R. COWEN,
Acting Secretary.

Hon. W. A. BUCKINGHAM,
Chairman Committee on Indian Affairs, United States Senate.